

DAVID L. ANDERSON (CABN 149604)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

BRIGGS MATHESON (CABN 291287)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6844
FAX: (415) 436-7234
Briggs.Matheson@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FILED

SEP 19 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH COREY,

Defendant.

) NO. 19-MJ-71405 MAG

) **STIPULATION AND [PROPOSED] ORDER TO**
) **EXCLUDE TIME UNDER THE SPEEDY TRIAL**
) **ACT AND TO EXTEND TIME UNDER RULE**
) **5.1**

The United States, by and through Assistant United States Attorney Briggs Matheson, and the defendant Joseph Corey, by and through his attorney Candis Mitchell, hereby stipulate as follows:

1. On September 3, 2019, the defendant appeared before the Hon. Joseph C. Spero for an initial appearance on the criminal complaint in this case. Dkt. No. 3. At that initial appearance, the government and counsel for the defendant agreed that there was good cause to extend the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, and to extend the 30-day time period for an indictment under the Speedy Trial Act, to September 27, 2019. Dkt. No. 6. The government and counsel for the defendant also agreed that time be excluded under the Speedy Trial Act until September 27, 2019, so that defense counsel could effectively prepare, including by reviewing discovery to be produced by the government. Dkt. No. 6.

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2. The United States is in the process of providing the defendant with discovery forthwith, and the defense requires time to review the discovery, to confer with the defendant and the United States, and to prepare effectively.

3. Pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure, the current date for a preliminary hearing is September 27, 2019. There is good cause to extend the time for a preliminary hearing or indictment under Rule 5.1 and the Speedy Trial Act, taking into account the public interest in the prompt disposition of criminal cases. Specifically, there is good cause to extend the time under Rule 5.1 by an additional twenty-four (24) days, until and including October 21, 2019. Such an extension provides defense counsel reasonable time for effective preparation, taking into account due diligence. Defense counsel also believes that such an extension is in the defendant's best interest. Fed. R. Crim. P. 5.1(d).

4. There is good cause to exclude time under the Speedy Trial Act until October 21, 2019, as the ends of justice from such an exclusion outweigh the best interest of the public and the defendant in a speedy trial. Specifically, such an exclusion provides defense counsel reasonable time for effective preparation, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

5. Based on the foregoing, the parties jointly and respectfully request that the Court issue the proposed order continuing the preliminary hearing and excluding time under the Speedy Trial Act and extending time under Rule 5.1 of the Federal Rules of Criminal Procedure until and including October 21, 2019.

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED:

/s/
BRIGGS MATHESON
Assistant United States Attorney

DATED:

/s/
CANDIS MITCHELL
Assistant Federal Public Defender
Counsel for Defendant JOSEPH COREY

~~PROPOSED~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds and orders as follows:

1. The preliminary hearing/indictment deadline in this case is hereby extended until and including October 21, 2019, under Rule 5.1 of the Federal Rules of Criminal Procedure and the Speedy Trial Act, 18 U.S.C. § 3161(b).
2. Failing to exclude the time from the date of this Order through and including October 21, 2019, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from the date of this Order to October 21, 2019 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, the time from the date of this Order through October 21, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: 9/19/2019


HON. JOHN JELDERKS
United States Magistrate Judge